

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**Crl. Bail Application No. S- 887 of 2026**

Applicants: 1. Gulzar Ahmed alias Gulzar son of Sanwan,
2. Arbab Ali son of Sanwan through Syed Imran Hussain Shah, , Advocate.

The State Through Mr. Muhammad Raza Katohar,
Deputy Prosecutor General, Sindh.

Date of hearing & Order: 06.10.2026.

ORDER.

Suresh Kumar, J.--- Through instant bail application, applicants named above seek confirmation of the ad-interim pre-arrest bail granted to them by this Court vide order dated 14.09.2026, in a case bearing crime No. 94/2026, offence u/s 376, 511 PPC registered at Police Station Khambra.

2. The brief facts of the case, as depicted in the FIR, are that the complainant, Ali Nawaz, lodged an FIR alleging that on 08.07.2026, he, his wife Mst. Wazeeran, and his nephew Meer Hassan were cutting grass for their cattle. While he and his wife were returning home at 8:00 a.m., they reached near the land of Abdul Rehman, where his wife, Mst. Wazeeran, raised cries in the sugarcane crop. They saw Nadir alias Barkat, Gulzar, and Arbab Ali holding the legs and arms of Mst. Wazeeran, while the accused Asghar Ali attempted to remove Mst. Wazeeran's shalwar and tried to commit zina with her. Upon her cries, all the accused fled the scene. The complainant subsequently filed a petition before the Additional Sessions Judge, Sadiqabad, but they disclosed that the incident did not take place in Machhika. They were kept on false hope for a faisla and were ultimately refused; hence, the complainant went to the police station and lodged the FIR.

3. The applicants initially sought pre-arrest bail from the Court of the learned Additional Sessions Judge-II Mirpur Mathelo, which was dismissed vide order dated 31.08-2026. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicants/accused and learned DPG for the State. Learned DPG assisted by complainant have strongly opposed for confirmation of interim pre-arrest bail.

5. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is evident from the examination of the FIR that the alleged incident took place on 08.07.2026, while the FIR was lodged on 11.08.2026. This indicates a delay of one month and three days in the registration of the FIR; therefore, consultation and deliberation cannot be ruled out. From the perusal of the record, it appears that the complainant has implicated four accused in the FIR and three accused in the application under Section 22-A and 22-B of the Code of Criminal Procedure (Cr.P.C.) filed before the Justice of Peace at Sadiqabad. Notably, the name of the applicant, Arbab, is not mentioned in the application filed before the Justice of Peace at Sadiqabad. Furthermore, the facts mentioned in the application are contradictory to those in the FIR lodged by the complainant, Ali Nawaz. Moreover, a specific role of attempting to commit the offence of zina is attributed to the co-accused, Asghar Ali; therefore, the case against the applicants/accused falls within the ambit of further inquiry. The learned counsel for the applicants contends that there is a dispute between the parties over land, but no document has been produced in this regard. It is well-settled law that bail cannot be refused merely on the technical

ground of the absence of mala fide if, otherwise, the applicant/accused has made out a case for bail after arrest on merit. In this regard, reliance is placed upon the case of Muhammad Ramzan versus Zafarullah (1996 SCMR 1380). Even otherwise, the applicants/accused have not misused the concession of interim bail granted by this Court.

6. For the foregoing reasons above and guidance taken from above case law, I am of considered view that the applicants/accused have successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to the applicants, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

J U D G E